A Synopsis Submitted

To

Alakh Prakash Goyal Shimla University

Himachal Pradesh

In Partial Fulfillment of the Requirement for the Award of Degree of Doctor of Philosophy in Journalism and Mass communication

"Media Trial and its Impact on Judiciary and Media Consumers in Himachal Pradesh"

Submitted By:

Neelam Kumari Sharma
Ph.D Research Scholar
Enrollment no. 17001961
Email ID- neelamrattan78@gmail.com

Submitted To:

Prof. (Dr.) Ramesh Chauhan
Research Supervisor & Dean
School of Media and Mass Communication
Alakh Prakesh Goyal Shimla University

Co-Supervisor
Dr. Ruchi Sapahia
Associate Professor
HPNLU, Shimla

INDEX

Sr. No.	CONTENT	Page No.
1.	**INTRODUCTION**	3
2.	**REVIEW OF LITERATURE**	20
3.	**OBJECTIVES**	23
4.	**RESEARCH METHODOLOGY** 4.1 Research Design 4.2 Sample Design 4. 3 Data Collection	24 24 25 26
5.	**LIMITATION OF STUDY**	26
6.	**CHAPTERISATION**	26
7.	**SIGNIFICANCE OF STUDY**	27
8.	**REFERENCES**	28

1.

INTRODUCTION

"I would rather have a completely free press with all the dangers involved in the wrong use of that freedom than a suppressed or regulated press."

Pandit Jawaharlal Nehru.

While making such statement he actually envisioned such a media which would serve the society by raising their issues and helping the government in resolving the same thereby fulfilling the duties mentioned in the Constitution of India. He was conscious that freedom can be misused but might have never thought or imagined about the commercial media that would bury the ethics of journalism for money, power and TRP only which would not serve the purpose of free media and shall not render true service to the society at large.

He contemplated the misuse but never thought the media would only be regulated by business houses called "media houses" who would decide the fate of the news according to their business needs. The media houses would order as to which news is to be shown or brought up within the domain of public and also did not expect the press to get involved into something which is beyond its limits and ethics which would further hinder the administration of justice, which is the very essence of the natural justice and the rule of law.

Gone are the days, when the only source of news was print media and government regulated Doordarshan Kendra's. Today not only the print and electronic media but social media and 24x7web media influences masses. Today it is impossible to remain away from such modes of communication.

Although a recently coined phrase, the idea that popular media can have a strong influence on the legal process goes back certainly to the advent of the printing press and probably much beyond. This is not concluding the use of a state control press to criminalize political opponents, but in its commonly understood meaning covers all occasions where the reputation of a person has been drastically effected by ostensibly non-political publications. The problem is more visible when the matter involves big names and celebrities. In such cases media reporting can swing popular sentiments either way. Hence in present times, this study gains more significance due to the possibility of impact of media reports on the mind of even judges and the entire criminal justice system. Equally important is to know and measure how a judge or any adjudicatory authority can avoid the impact of media annoyance on its verdict.

Media Trial is a phrase that has been used popularly in the last few decades to describe the impact of television and print media coverage on a case by an attempt made by the media of holding the accused guilty even prior to his proper judicial trial and regardless of any verdict in the court of law. The Indian Constitution under its Article 19(1) (a) grants freedom of speech and expression to its citizens. The freedom of press is a necessary element of the freedom of expression that involves a right to receive and impart information without which democracy becomes an empty slogan. But this right is not absolute and is subjected to the reasonable restrictions of defamation and contempt of court among others mentioned in clause (2) of the article, which clearly states that, this right can be restricted by law only in the interest of the sovereignty and integrity of India, the security of the State, friendly relations with Foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence. The Media trial has both positive and negative impact. The positive impact of the Media trial is that it helps the criminal justice system in finding, trying and punishing the guilty, where as its converse leads to ambiguity and injustice to victims, accused and their families at the same time. It not only does injustice but also ruins the social and economic status of victim and accused for no fault of theirs. Media houses nowadays are concentrating on profits and TRPs only. In cut throat competition and 24 hour working, media organizations are compromising with the content and veracity of news shown and published for public consumption.

With the arrival of cable television, local radio networks, satellite network and the internet especially Jio now a days which had been giving free calling and data etc. The reach and impact of the mass media on the society has developed multifold. The circulation of newspapers and magazines in Hindi, English as well as in various vernacular languages has hit a new height in our country. Today mobiles in every hand has made it possible that the information reaches at a fast pace or is available to each individual within minutes which he can go through at any time and at any place even without making any great effort. This ever-expanding readership and viewership coupled with the use of modern technologies for news gathering has given media organizations an unprecedented role in shaping popular opinions. As the news channels are running 24x7, the journalists and correspondents are running after any piece of news or making news themselves to run their own houses and media houses and are playing with the emotions of people who are suffering without caring for their privacy and peace of mind. Lady Diana the princess of Wale was the victim of news photographers who were in covetous of covering every bit of her life by violating in her privacy. The Lady Diana was allegedly died

because of such journalist, though later this charge was not proved. The jury found the reporter guilty for violating her privacy. The princess had ambivalent relationship with the media, much of the time she complained of the interference of the media's, accusing photographers, reporters, editors of making everyday life difficult for her. She emerged several times with tears as Paparazzi was following her. On the evening of Diana's Car crash around 30 photographers had gathered outside the Ritz hotel in Paris. No doubt in the years after Diana's death, there were whispering that the press attention on her was not just a one-way street. In fact, there were claims that Diana not only actively courted the press, but also manipulated them.

Freedom of media entails a certain degree of responsibility which needs to be inspected and introspected constantly and independently. Media houses needs to play vital role of a conscious gate keeper, a watch dog of the functionaries of society and attempt to attend to the wrongs and wrong doings in our system, by bringing them to the knowledge of all with a view and strategy to overcome the same. It is indisputable that in many dimensions the unprecedented media revolution has resulted in great gains for the general public. The public has become even more conscious, vigilant and prompt about their rights. Even the judicial wing of the State has benefited from the ethical and fearless journalism by taking suo-moto cognizance of the matters in various cases after relying on the reports and news which highlights grave violations of human rights or by treating the letters etc.as complaints and converting them into Public Interest Litigation (PIL) writ petitions.

In an increasingly competitive market for grabbing the attention of viewers and readers, media reports often turn to distortion of facts and sensationalisation. The hunt of commercial interests also motivates the use of disturbing news gathering practices which tend to impede the privacy of the people who are the subject of such coverage. The problem finds its worst manifestation when the media extensively covers sub-judice matters by publishing information and opinions that are clearly prejudicial to the interests of the parties involved in litigation pending before the Courts.

However sensationalized news stories circulated by the media have steadily gnawed at the guarantees of a right to a fair trial and posed a grave threat to the presumption of innocence. The pervasive influence of the press is increasingly proving to be detrimental to the impartial decision making process of the judiciary. Such news and stories cannot easily be defined under the auspicious of freedom of expression. Every institution is liable to be abused and every

liberty if left unbridled has the tendency to become a license which lead to disorder and anarchy. This is the thresholds on which we are standing today. Television channels in a bid to increase their Television Rating Point (TRP) are resorting to sensationalized journalism with a view to earn a competitive edge over the others. Many media houses have been exposed in this dirty games of TRP.

The media quite often exceeds its right by publishing material which is prejudicial to a suspect or accused like concerning the character of accused, publication of confessions, publications which comment or reflect upon the merits of the case, photographs, police activities, imputation of innocence, creating an atmosphere of prejudice, criticism of witnesses, the Indian criminal justice system, commenting on the judge or his links past or present etc. It encompasses several other rights including the right to be presumed innocent until proved guilty, the guilt is to be proved beyond reasonable doubt in criminal cases and the law is governed by senses and not by emotions. The right not to be compelled to be a witness against oneself, the right to a fair trial, the right to legal representation, the right to speedy trial, the right to be present during trial and examine witnesses, etc. is thereby affected which has been guaranteed by the Constitution of India and other legislations passed by Parliament of India or the State legislatures.

Through media trial, a moral pressure is created on the advocates to not to take up the cases of those who have been accused of committing any heinous crime which shakes and shocks the conscience of the society. The advocates are ethically obliged to take up the matters of every person who knocks its doors otherwise the principle that a person is innocent until proved guilty will have no meaning if such accused undergoes a trial without any defense counsel. This would be against the principles of natural justice. Every person has a right to defend himself and to be represented by a lawyer of his choice or by an advocate appointed by the Hon'ble Court if he is a poor person without sufficient means to fight his case and to put his facts to defend himself before the adjudicating court and no one has the right to debar him from doing so, not even the media houses or the society. For an instance, when eminent lawyer Late Ram Jethmalani decided to defend Manu Sharma, a prime accused in a murder case, he was subjected to public ridicule and criticism. A senior editor of a television news channel CNN-IBN called the decision to represent Sharma "an attempt to defend the indefensible". But it is the duty of the lawyer to take the case and defend his client to the best of his abilities and capabilities.

Yug murder case, Gudiya rape and murder case in Shimla, the District Bar Association Shimla passed resolution that any lawyer who will represent the accused shall be expelled from the membership of the Bar Association. The media's assumption and presumption of guilt of accused encroaches upon the right of the accused to a fair legal representation in the trial, a critical component of the right to fair trial given under our criminal justice delivery system and it also sometimes intimidate the lawyers into refusing to represent such accused persons in the court of law. Suspects and accused apart, even victims and witnesses suffer from excessive publicity and invasion of their privacy rights. They turn hostile due to unwanted exposure or media glare.

Police is also presented in poor light by the media and their morale suffers too. They are not given sufficient time to carry on their proper investigation to fetch the real culprit. The day after the report of crime is published, media often says 'Police have no clue'. Then, whatever gossip the media gathers about the line of investigation by the official agencies, it gives such publicity in respect of the information that the person who has indeed committed the crime, can move away to safer places. The pressure on the police from media day by day builds up and reaches a stage where police feel compelled to say something or the other in public to protect their reputation which is again misused or highlighted by the media against them. This happened in Gudiya rape case also under Police station Theog Shimla. In this case feeling public pressure as mounted by media, the Shimla police came with a story that it has unearthed the rape cum murder mystery. Police arrested five people for alleged rape and murder, which was done as an attempt to save the alleged influential persons involved in this heinous crime by media. This suggests that police when under pressure may come forward with a concocted story that they have nabbed a suspect and that the accused has confessed etc also.

The 'Breaking News' items are run and people who are running the media organizations are well aware that under the law, confession to police under custody, is inadmissible as a piece of evidence in a court. Confession as recorded by or in the presence of magistrate is only relevant and applicable under the law. Once the confession made before the police which may or may not have been obtained forcefully or under coercion is published by media the suspect's future is finished or is blackened. Witness protection is also then a serious casualty despite having proper laws at place. To garner publicity and for TRP, media flashes and reveals the identity, pictures and residential addresses of the accused. The reporters reach at their doorsteps or contact their relatives or neighbors and further damage their reputation and future prospects in many ways. They are taken being shunned by the society and raising a presumption that the crime has been committed by the accused only even before he gets a fair hearing. Problem

while conducting ‘identification parades’ under the Code of Criminal Procedure for identifying the accused also crops up as the identity has already been revealed by the media to grab first position in reporting a matter to garner publicity and to raise their channel TRP.

It is witnessed so often that on the date of hearing of a case in the court, media carries a story and predicts the result even before the same has been pronounced and the same may affect or influence the judge in passing the real judgment. The media highlights the effect which the case would have on society and creates a false, beforehand perception on the minds of people about the judgment and the judge who passed the same. Media trial may prejudice the opinion of judges presiding over a particular case. There is a probability that judges may get influenced by the flowing air of remarks made upon a particular controversy. The media presents the case in such a manner to the public that, if a judge passes an order against the “media verdict”, he or she may appear too many, either as a corrupt or a biased judge.

1.1 MEANING OF MEDIA TRIAL

The term “Media trial” means reporting of sub-judice issues in such a manner so as to force the general public to believe that reported content is true and create wrong perceptions about courts, advocates, prosecution and litigants. The trial by media is definitely an undue interference in the process of justice delivery as there is a significant risk of serious Prejudice. Trial means process of adjudication of an issue before competent court of law. It is the essential component on any judicial system that the accused should receive a fair trial. The sensationalization of this process called the Media Trial or Trial by Media. Very seldom qualified journalists report correctly about the legal proceedings going on in courts. The reporters normally report the oral observations made by the court which are at times not part of court proceedings to create interest in the case. The oral observations made may not have any concern or impact on the ongoing proceedings of the case or may have been addressed to the galleries only or as a passing reference but some of them, are reported by the reporters in such a manner that sensationalizes the matter without knowing about the evidentiary value of such observations or the consequences of such reporting. It is seen that such oral observations create hype about the case and results into misleading reports of the case. This verbal observation brings pressure upon a judge who had made such observation on the spur of the moment with an idea to ease the atmosphere in the court room or to share his personal experience with the advocates or prosecutors in some particular context.

1.2 CONCEPT OF MEDIA TRIAL

Media trials is a well-known and prominence concept all over the world. Trial by media, is not a new concept, but the Supreme Court of india in A.K.Gopalan v. Noordeen: 1969(2) SCC 734[1], after referring to freedom of speech and expression, the Supreme Court held that publications made after the arrest of a person could be criminal contempt if such publications prejudice any trial later in a criminal court. In 1950 the Supreme Court in "Ramesh Thappar v State of Madras[2] and Prabhu Dutt v Union of India[3] laid down that Freedom of speech and the press, formed the very foundation of all democratic organization. It also held that the right to know news and information regarding administration of the government is included in the freedom of press. Media coverage allows us to hear judge and condemn accused all from the comfort of our own home. Media has been playing a negative in creating panic among the viewers, consumers making fair trial nearly impossible. Every coin has two sides so is the case with media trials and journalism, at certain instances journalist portrays a pre decided image of an accused thereby tearing his/her reputation that can eventually effect the trial and the judgement, hence amounts to trial by media. In Sheena Bora murder case the excruciating eyes of the media has influenced the personal life of the main accused Indrani Mukherjee that arose a debate on the matter of media coverage of the accused.

The press has now presumed the role of the public educator making formal and non-formal education feasible in a large scale particularly in the developing world, but there has been no laws that authorizes media to hold the accused guilty. Trial by Media' as a term refers to the role of media acting as a Judge overriding the official "justice delivery system" thereby distorting, prejudicing, sensationalizing, instigating the public and ultimately derailing the 'justice delivery processes' and steamrolling the right to fair trial of the accused. The conflict between the freedom of speech and that of fair trial raises question marks that are painstakingly unanswerable. The Supreme Court had even held that a trial by press, electronic media or by way of a public agitation is the very anti-thesis of rule of law and can lead to miscarriage of justice. The Constitution of India recognizes restrictive freedom of press. The framers of constitution discussed this issue at length and concluded that in present Indian set up uncontrolled press would be roar.

In spite of these constitutional restrictions there are several general laws and state legislations for regulation of freedom of speech and expression. The Indian Penal Code, the Criminal

[1] 1969(2)SCC 734
[2] AIR 1950 124
[3] 1981 (1) SCC 1

Procedure Code, POSCO Act, the Press laws of the States etc. regulates media. In addition to this, self-regulating Organization such as News Broadcasting Association, Press Council of India etc. are also regulating the expression of the media.

1.3 FREEDOM OF PRESS VS FAIR TRIAL

The constitution of United States of America provides absolute freedom to press and prevents law makers to not to make any law restricting the Freedom of Press. The constitution of India do not specifically recognize this right. However the Hon'ble Supreme Court, while interpreting the Article 19 (**1**) has held that freedom of speech and expression also includes freedom of press. Media, "A fourth pillar of Indian Democracy", has a fundamental right under Article 19(1) (a) of the constitution with reasonable restrictions Article19 (2). During high publicity court cases the media is often accused of provoking an atmosphere of public fear which not only makes fair trial nearly impossible but creates lot of mess in the life of accused. Media cannot be allowed to transgress its domain under the garb of freedom of speech and expression to the extent as to prejudice the trial. Recently it has also come to light that the media houses are making an arrangement with corporate houses for not reporting anything against them for immoral consideration. Thus while balancing between the two fundamental rights on account of excessive coverage in an appropriate case mode of prior restraint and self-regulation should be effectively invoked. The violation must be strictly dealt with under the Contempt of Court Act, 1971 and law of privacy. Having said so the contempt of courts Act is sparingly enforced by the court against cases pending for adjudication. Indian laws do not define the cases under active consideration of courts. The media channels are exploiting the loopholes of the system and reporting the cases wherein arrest were made by the police and accused were presented before the court within 24 hours of arrest.

1.4 MEDIA TRIAL VS CONTEMPT OF COURT

The Contempt of courts Act in India defines the action that amounts to interference in administration of justice by media. A journalist can be held responsible for contempt of Court if he publishes anything which prejudices a fair trial that impacts the impartiality of the Court to decide a cause on its merits, irrespective of the nature of the proceeding whether civil or criminal? The right to a fair trial must be uninfluenced by the newspaper publications or even the headlines of the news. But what happens, when the leading news channels decide to go against the ethical code of contempt? Then decide or sabotage the career of the accused in

ignorance, even before his guilt is proven in the court of law? He is being portrayed as an evil person during the "prime-time" of a news cast when all the viewers are generally geared in front of their televisions. The media's role in influencing trials in India came to attention during the Jessica Lal homicide trial. The media's role was also discussed in the case of Priyadarshini Mattoo. There have been several cases in which the media has been blamed for influencing the court judgment. The prominent cases which continued to be reported despite being under active consideration are Constitutionality of Aadhaar Act *(*K.S. Puttaswamy v. Union of lndia*),* Sabarimala Temple Entry (*Indian Young Lawyers Association v. State of Kerala*), Constitutionality of Section 377 (*Navtej Johar v. Union of India*), Arrested Activists (*Romila Thapar v. Union of India*) , Decriminalization of Adultery (*Joseph Shine v. Union of India*), Reservation in Promotion (Jarnail Singh v. Lacchmi Narain Gupta), Electoral Disqualification (*Public Interest Foundation v. Union of India*), Hadiya Marriage (*Shafin Jahan v. KM Ashokan*),Cow Vigilantism (*Tehseen Poonawalla v. Union of India*), Special Status of Delhi (*Government of NCT of Delhi v. Union of India*). A fair trial is an important element of the judicial system. It is important to note that the idea of democracy is fair play and transparency and by such negative act of the media, the concept of democracy is at stake. Thus, any attempt made to sabotage the other pillars of democracy, by one of them, must be held as contempt.

1.5 MEDIA TRIAL Vs FAIR TRIAL

Media intervention in under trial cases has become very normal affairs in india. Judges are expected by circumstances created through repeated coverage of an issue to take decision according to the media follow up. The media judgement becomes the final verdict in high profile cases in the estimation of media consumers. It has become a trend that media come forward to investigate the truth but media reports may sometime influence the judicial institutions and affect the investigate agencies pursuing a case The people of Himachal Pradesh witnessed this in the Gudiya rape and murder case in Shimla district. This brutal incident had shaken the conscience of each and every resident of Himachal Pradesh. This was the first incident of its kind and people were expecting speedy and fair probe. The excessive media reports were accusing different set of people. Even the office of Chief Minister was misled by media reports and official Face Book page of the government circulated photos of alleged accused, who were actually said to have no concern what so ever with the crime. How and what way media persists covering a particular case for reporting turns into media trials automatically with the passage of time. In the guise of providing information media starts passing verdict

rather than bringing true facts. It is here that media misinforms people and creates lot of confusion and false beliefs among masses. The rule of law can be adequately institutionalized by support for an independent media that keeps a check on the judiciary reports on the courts and promotes a legally enabling environment suitable for press freedom. However it is true that improper reporting of court proceedings can severely affect and impede the process of administration of justice. The Media is Powerful, it is constructive when it is responsible and gives factual reports. When it is not it is deadly and destructive. The difficulties arise from the facts when people believe what is stated in print and telecast on channels.

1.6 GROWTH AND EMERGING DIMENSIONS OF MEDIA TRIAL

Media trial has grown over the period of time because of various reasons and factors like to increase the sale of newspapers or to raise television rating point (TRP) of various channels, because of political connections, for money laundering, due to competition between media houses etc. The present study is aimed to discuss about the role of media, media trial, freedom of speech and expression and allied matters. An attempt to provide the significant role played by the media in Indian democratic system is made, but there are certain lacunas and demerits which are found in the role which media plays while it is clothing itself in some cases and make possible to bring personal life of an individual into the public domain. In the past it was not possible to access news of any event or write about an individual without his will or consent and disclose to the public at large. Though the impact of newspaper is limited but in recent times the rapid growth of social media and inbuilt cameras in mobile phones has brought drastic change and revolution to access unprecedented information and gives access to anyone's conversation without his or her consent or knowledge which violates his or her right to privacy which is guaranteed as a fundamental right by the Constitution of India.

The world witnessed this for the first time in 1807, in the United States of America with the case of Aaron Burr. In Aaron Burr Treason Trial case was tried for treason. The accused had been Vice President during the first administration of Thomas Jefferson. In the summer of 1804, Burr killed his rival Alexander Hamilton in a duel, an event that effectively ended Burr's career in national politics. Three years later, he was on trial, charged with the capital crime of treason by the government headed by Jefferson, his former partner in political office. Presiding over the trial was John Marshall, Chief Justice of the United States, the President's distant cousin and political foe. Finally, there was James Wilkinson, General of the Army, once Burr's associate and at trial his chief accuser. With these principal players, the trial in the U.S. Circuit

Court at Richmond was as much high political and personal drama as it was a judicial proceeding.

The case involved several legal luminaries and his reputation was marred by political intrigue and his participation in a duel that left Alexander Hamilton dead. Burr was accused of offence of treason. The Media reported that he planned to engage in the reduction of Mexico with the aid of British ships and forces. He tried to form his own Army but several people betrayed him and ultimately he was captured and he had to face trial for his crime which was punishable with death sentence. But due to lack of evidence jury found him not guilty of the offence of treason. He was branded as a villain in the United States and his effigies were hanged in several cities due to media trial. Because of this, disgraced political Titan had to spend few years in self-imposed exile in Europe. Till date he remains one of the only major American politician to have been tried for treason due to unreasonable media coverage.

In K. M. Nanavati *vs.* State of Maharashtra, Commander Kawas Manekshaw Nanavati, a Naval Commander, was tried for the murder of Prem Ahuja, his wife's paramour. Commander Nanavati was tried under section 302 IPC and was initially declared not guilty by a jury, but the verdict was dismissed by the Bombay High Court and the case was re tried. Jury trials were abolished in most Indian courts by the 1973 Code of Criminal Procedure except for Parsis who still have Jury Trials for their Matrimonial disputes. Nanavati was finally pardoned by Mr. Vijayalakshmi Pandit, newly appointed Governor of Maharashtra and sister of Prime Minister Jawaharlal Nehru. The incident received unprecedented media coverage and inspired several books and films such as the 1973 film *Achanak,* the 2016 film *Rustom,* and the 2019 web series *The Verdict* as it diverted the Public opinion in favour of the accused.

The cases like Ram Janam Bhoomi, CBI Director Removal case, Rafael case, and some time back the removal of Uttrakhand Government, the example of the political turmoil in Arunachal Pradesh cases created storm of huge news in print and electronic media. The twenty four hour news channels reported such issues pending before courts, sometime criticizing even the courts directly or indirectly. Besides, sometimes some news against government are telecasted in a manner as if courts are against the government, whereas courts are performing their duties as established by law. Therefore, the reporting of news in this manner is an interesting subject of research to find out its pros and cons which turns into media trial.

In recent times there have been numerous cases of media trial of different kinds such as Priyadarshni murder case, Arushi Talwar murder case, Jassica Lal murder case, Gurmeet ram

Rahim case Sheena bora murder case. Some of these famous criminal cases that would have gone unpunished also but for the intervention of media guilty could not escape. This research is an empirical as well as doctrinal study on media trial to present actual view about the victims or beneficiaries shown by the media. The study would concentrate on the alleged term of judicial activism and the proactive role of the media in influencing the court proceedings by prejudging an issue and pronouncing judgment on their own on each day of hearing by the courts. The study would concentrate on the view point of members of judiciary on media trials, the importance of media trial in the eyes of advocates and general masses. It would find out the view point of police and prosecution qua media trial. This study would try to know the perspective of journalists on reporting the sub-judice issues and last but not the least would study about the impact it has on victims, their families, society and accused who are media consumers. It would be a detailed analytical study on media trial by including the actual parties to media trial. The media trial is two edged weapon therefore it cannot be portrayed in negative light only as it has positive side too.

The Media Trial does not mean publication of the court proceedings but it starts when media reports matter which has not yet been taken cognizance of by the court or by police or when it interferes in the investigation carried by police. The Code of Criminal Procedure prescribes that every investigation is conducted under the supervision of judicial magistrate having jurisdiction over the area. This means that interference of media in investigation of criminal cases and at the level of decision making process in civil or policy matters, under challenge before the courts amounts to media trial. In larger perspective we can say that it is the duty of the media to form a public opinion by taking the issues of public importance to the public and thereafter media should leave the same to the investigative agencies or adjudicatory authorities. An attempt to impose its conclusions in the name of public opinion by media amounts to media trial. The real issue is whether the subconscious mind of people involved in administration of justice gets affected from such conclusions arrived at by the media on the basis of supposition or half cooked facts gathered by media? The media trial is an encroachment of media in the arena of judicial proceedings which affects fair trial. It is important to know the reasons and failures of media to stop recurrence of negative reports as well as to create more reliable media reports. All these issues which affect our present day society needs to be thoroughly investigated and researched. Hence this study holds great importance.

1.7 RESEARCH PROBLEM

The various research on this topic, mostly conducted by the Law students have concentrated upon the judicial aspect of "Media Trial" but has not considered its impact on media consumers at large. Researchers have not found any study that reflects the opinion of people of Himachal Pradesh as media trial gained importance after famous Gudiya murder case, Yug case and increasing trend of Public Interests Litigations (PILs) in Himachal Pradesh. After reviewing many books research papers, journals and articles regarding media trial researcher came to the conclusion that most of them have not discussed the impact of Media Trial with media perspective. To accomplish all those facts I have undergone in-depth study to recognize why media being fourth pillar of democracy is said to be least concerned with the life and liberty of its consumers and is constantly giving its own verdict even before the trial begins or ends up, violating the law. This study is targeted to know about the results of media trial which affects the media consumers in their day to day life misinforming them. Hence the topic for research media trial and its impact on judiciary and media consumers in himachal Pradesh.

2. REVIEW OF LITERATURE

Ambrish Saxena, "Issues of Media Policy Regulation and Ethics" The author has highlighted upon that trial by media has witnessed the sensation of self- manifested stories, half- baked truth resulting in the violation of right of individuals. Such type of coverage's transformed media into a circus. Media sensationalize the cases, and provokes the atmosphere of public hysteria which not only makes a free and fair trial impossible but also maligns the reputation of the accused to such a degraded level that their rest of life comes under public scanner and continuous hatred. Not only victims and witnesses but suspects and accused also suffer from excessive publicity and invasion of their privacy rights. Trial by media interferes with the administration of the justice and tends to lower the authority of courts and finally hampering the functioning of democracy. Further the media also meddles with the investigation, thereby, misdirecting the investigation or hindering the functioning of investigating agencies.

Anil Kumar, "**Media Trial in India, in Social Science Research Network"** The author in this book has explained and concluded that participative media is considered as the fourth pillar of our democracy. Media acts as a watchdog along with being an expediter on many matters including those affecting the collective conscience of society. Media to a large extent plays indisputably a positivist role but sometimes its role specifically in cases of sexual offences and that too high profile cases or cases related to a political party or politician is seen with doubt.

Sensational journalism is a reality of Media industry. For the sake of TRP, explicit details of the sexual offence are divulged in public domain which results in impinging of victim's right to privacy or unfair admonition of an alleged assailant. The principle of criminal trial that a person is innocent till proved guilty must be understood and respected by media as premature opinion of guilt or innocence is denial of fair trial to the accused.

D. S. Chopra and Ram Jethmalani, "Cases and Materials on Media Law" The book, Cases and Materials on Media Law, is a unique book of its kind. It contains comprehensive coverage of the Act with the leading judgments on each of the topic and explained with short facts and proposition of law. The authors have attempted in presenting the statutory laws and judgments dealing with media. They have mentioned about series of cases relating to freedom of press and permissible restrictions on that freedom. The authors also explained laws relating to defamation and contempt of court, which acts as one of the grounds to impose a restriction on freedom of the press. The book contains a chapter solely based on "trial by media" in which various cases are being discussed in details and also the effect of the media trial on those cases. Through these cases, the authors have criticized the indulgence of journalists in such trial by media. This has helped the researcher to take note of several cases dealing with media trial which contributes to the study.

D.S Chopra, "Media law" The author implies in this book that how electronic and social media have taken over the print media and its impact on consumers is felt far and wide. He carried the needs of self-regulations on the part of those who are involved in it. He stressed that the main motive of the journalists and organizations should be to present truthful and authentic news rather than to motivate themselves towards TRP. The author has emphasized upon the fact that at this current scenario channels are growing fast and even unchecked. He tinted upon the fact and felt that there is a growing demand of Proper regulation and should be brought under the Press Council or some similar body. This book has covered all aspects of Media laws and suggested the need to curb the urge to sensationalize every item has to be curbed.

Dr. Sumaya H, "Media trial and Indian legal system" In the breaking news writer cum reporter said that the newspapers and the other media channels have quite been rejoicing over their 'success' in bringing Jessica Lal case to justice. The trial court had acquitted Manu Sharma of all the charges depending upon the obvious lacunae in the prosecution case. The High Court however reversed the trial court judgment. The High Court has interpreted the evidence given by the witnesses differently. The key witnesses' evidence which did not exist,

for instance, while dealing with PW-20, the trial court arrived at a factually wrong finding, not borne out from the evidence on record, to the effect that she thought that he had fired a shot at Jessica Lal and that she was not an eye witness. Basically what the High Court did was just to undo what the Trial Court had done.

Sastry, Dr. V.V.L.N, **"Media Trial and criminal justice in India"** The study in this book examined the relationship between court verdicts and media trials in India. The descriptive policy framework was used to guide the study. Author in this book highlighting the negative face of mass media and tells that how media presents stories in a manner that will capture the public's attention regarding the situations. Media in India has become a public court that is interfering with court proceedings. Media influence people's talk at a given time and place. Media influences the population's opinion regarding situations in the society. Media presents stories in a manner that will capture the public's attention regarding the situations. Recently, the media has also been involved in criminal justice trials, especially high-profile cases.

In this book chapter vii Trial by Media p 1513 indicates that Trial by Media has been the subject matter of controversy since Manu Sharma's case. This Book is an attempt to present all the judgments and statutory law dealing with media at one place. All the statutes affecting the media are given in this book.

Jan R. Hakemulder, Fay A. C. de Jonge, P. P. Singh, "Media Ethics and Laws" The author writes that freedom of press is essential to democracy. In today's context freedom of the press is only an extension of the citizen's right to freedom of speech and expression. Pt. Jawaharlal Nehru once said, "There is no such thing as absolute freedom. Freedom is always accompanied by responsibility. Freedom always entails obligations, whether it is a nation's freedom or individual's freedom or the freedom of the press. ''Judiciary is the most important of the three arms of the government. It interprets laws. The judiciary settles disputes between the individuals, and state and among the various constituents of the State. In a society everyone has a responsibility towards each other. All rights are to be exercised in a manner that they do not hurt the reasonable rights of other individuals. We often hear newspaper editors saying that they have a right to inform the public but at the same time they have duties too.

Juhi P. Pathak, "Introduction to Media Laws and Ethics" The author of the book has discussed the history of press laws in India and also referred to the U.S.A. and UK. The author also mentioned about the need and the developments of "freedom of the press" but at the same time criticized the press for affecting the right to a fair trial, right to privacy and defamation.

The book put forwarded views relating to constitutional provisions, press freedom and law. This has simplified the task of the researcher in understanding various pros and cons revolving around the press freedom, which will help in developing an adequate conclusion of the study.

Lakshamanan, Durga Das Basu, "Shorter Constitution of India" The author in his book extravagantly confers the "freedom of speech and expression" under the Constitution of India. He also discusses the "freedom of the press" which flows from the "freedom of speech and expression". The author further points out the factors that constitute restrictions on the "freedom of the press" and the unreasonable restrictions upon the "freedom of the press". He also deals with the issue relating to the interference with the "administration of justice". These facets of freedom of the press are of great importance to the researcher for dealing with the subject of the study more effectively.

Mayank Shekhar, "Administration of Justice"It explores many things in respect of court proceedings. The problem finds it worst manifestation in the coverage of sub-judice matters where the reporting can be clearly prejudicial to the interests of the litigating parties. This problem is heightened in instances of high-profile criminal investigations and trials,especially in matters involving celebrities where 3 media reporting can shape popular sentiments and hence create undue pressure on judges and lawyers. In such a scenario there is an urgent need for the news-media to respect the balance between the 'freedom of press' and the 'right to fair trial'.

Mukul Srivastava, "**Manavadhikar and Media"**This book is written in Hindi, and highlights some of the issues like introduction of Manavadhikar, classification of manavadhikar, manavadhikar and Indian perspective, awareness of manavadhikar and film media, Manavadhikar and television and radio, journalism and awareness of human rights and Indian National Human Right Commission. Above described issues in detailed illustration in this book are very useful for media persons and judicial functionaries and also important to those research students who are working on topics related to media trial and impact on judiciary.

Nandi Kathakali, "Investigative Role of Media: Responsibility to the Society" The paper seeks to understand media's role as an agent of shaping and influencing public opinion. The paper also takes a look at investigative journalism and its crucial role in helping the masses to form their opinion about various issues which are in news. It also tries to understand the role of media interference with the help of two case studies. Using the two case studies, the paper looks at the way media helps to mould popular opinion of the masses and thus, bring about a

justified closure to controversial issues. The paper tries to reveal the importance of investigative journalism and how far it is requisite in a democracy like India. Although the main areas of investigative journalism mainly revolve around the areas of scandals, crime, politics, corruption, etc. This particular journalistic style is not just restricted to the above mentioned fields. In India, investigative journalism came into popular existence in the 1980's.The Bofor's scandal in which the then Indian Prime Minister, Rajiv Gandhi, was accused; was the first instance when investigative journalism came into focus. This scandal later on led Gandhi's defeat in the next elections. This scandal and the type of reporting done by the media made the country take notice of a new form of journalism that was previously employed by magazines and journals. Nowadays, investigative journalism is mostly related with sting operations.

Niyati, "**Sensationalism in Media: How it leads to losing credibility of Indian Media"** Media is often hailed as the fourth pillar of democracy. The pillar expected to play a constructive role in strengthening democratic values. If you're a student of Indian history, you'd know a lot of Indian publications played a great role in social upliftment and freedom struggle. However, long gone are the days of reformers, thinkers and idealists heading publications with social welfare and awareness as guiding principles. Now a day's media is owned by big businesses, corporate houses, politicians and shady characters. It's the only pillar of democracy that is mostly run by private businesses and yet expected to adhere to ideals of a neutral, fair and unbiased view on issues concerning society in general and country in particular. Going by what Indian media represents today, there shouldn't be any doubt, it has begun to rot from the inside. Profits and selfish leanings have taken priority over ideals and overall good of society. Another unique thing about media is that unlike other private businesses where increasing competition results in better products for the consumer, increase in competition in media results in lowering of standards. At least that's what Indian media has proven. In the mad race for more viewership/TRPs, Media resorts to sensationalism and twisted, manufactured or paid news. Print media doesn't feel any need to bother about TRPs and yet they've specific editorial lines that ensures a particular news is covered more or suppressed. A phenomenon called paid news is endemic and affects media across the board. It was earlier used only by businesses but the growing reach has ensured all sorts of clients are available to buy news from media houses.

Paranjoy, Guha, Thakurta, "Media Ethics: Truth Fairness and Objectivity " The book contains the method that how one can confront with the day to day issues of media trial and

other many ethical problems prevailing in the society. It includes numerous case studies on media trial from India and other countries. Book prescribes some of the legislative mechanism to regulate media in India. It concludes that the whole pattern of the publication at present has been changed, due to the over reach and hype by the reporters and cable services. It's also contained in the book that Honorable Supreme Court of India and the House of Lords in the United Kingdom (UK) have observed that publications which are prejudicial to a suspect or accused may affect judges subconsciously.

Prerna Priyanshu, "Media Trial: Freedom of Speech v. Fair Trial" The author of this article points out the influence of media on the opinions of the people and the misuse of free speech by the media personnel. The author further makes detailed discussion relating to media trial and fair trial. The author also highlighted the impact of media trial on accused and subconscious of judges, and examines the justifications put forward by media. The author gives a brief idea on the seventeenth Law Commission recommendations. From the understanding of this article, the researcher will continue further studies on media trial and Law Commission recommendations which would be profitable for the research work.

Prof. Kailash Rai, "The Constitutional Law of India" The author states that media trial or trial by media is not considered proper because it affects the fairness of trial and is likely to interfere or prejudice the due administration of justice in a particular case. It is also mentioned in the study that there should not be obstacle to the due course of justices of pending cases. Public interest demands that there should be no interference with judicial process.

S. Devesh Tripathi, "Trial by Media Prejudicing the Sub-Judice" The author discusses the crucial point on the contemporary issue that Media has now reincarnated itself into a 'public court' (Janta Adalat) and has started interfering into court proceedings. It completely overlooks the vital gap between an accused and a convict keeping at stake the golden principles of 'presumption of innocence until proven guilty' and 'guilt beyond reasonable doubt'. Now, what we observe is media trial where the media itself does a separate investigation, builds a public opinion against the accused even before the court takes cognizance of the case.

S.K Swam, "Present Scenario in journalism" This work book includes specific suggestions for presenting information and for interacting effectively with the media and the public. The focus of this book is also to explain about the challenges faced during the media trial. This book make us aware that the effective use of media in preventing genocide requires assessing

the stage that the genocidal situation has reached and devising a response strategy appropriate to that stage. Book helps the Researcher to know that how journalism has become the need of hour in the whole world. After reviewing the book it is clear that in this present scenario how journalists are presenting manipulated stories to their constituents (viewers, readers and the public) at large and purely dependent on stereotype and sensational content for their news reporting.

Shabnam Saidalavi, Neeraja Gurnani, "Media trial: freedom of Speech v. fair trial"In this case interpreter focused on some relevant issues like it cannot be denied that media is considered as a voice of the people. Media plays a positive role whenever justice is denied. Some famous criminal cases that would have gone unpunished but for the intervention of media are considered Priyadarshini Mattoo case, Jessica Lal case, Nitish Katara murder case, etc. However, nowadays media is so much sensationalized that it often exceeds its powers and assumes the role of the court. There are cases where the accused is denied the right to a fair trial due to the unnecessary involvement of media. It is, therefore, important that the media while acting as a watchdog must ensure free and fair administration of justice. The Law Commission in its 200th report emphasized the need to strike a balance between the fundamental right of freedom to speech and expression and the right to free and fair trial of the accused.

Singh and Associates, "Trial by media a threat to administration of justice" In this study author said that Media is regarded as one of the cornerstones of democracy without whom democracy cannot be run fairly and smoothly for the benefit of large masses. Freedom of media is the freedom of people to be informed about public matters run by governments appointed by people of India by exercising their voting rights. Free and healthy press is indispensable to functioning of the democracy. Democracy means making of the government by the people, for the people and of the people for active participation in the formulation of opinion for taking decision for larger public interest. It is, therefore, needed that the people be informed about current and burning issues of society. Duty of the press and media should be to make the people aware of the issues which will have a long term impact on their lives. Freedom of Press is not specifically mentioned in Part III of the Constitution. However Hon'ble Supreme Court in a number of judgments has recognized that freedom of speech and expression also includes freedom of Press. The right to freedom of expression is contained in Article 19 of the Indian Constitutions. Pandit Jawaharlal Nehru, the first Prime Minister of independent India said- *"I*

would rather have a completely free press with all the dangers involved in the wrong use of that freedom than a suppressed or regulated press."

Zehra Khan, "Trial-by-Media: Derailing Judicial Process in India"

In this article, the author makes a brief discussion on the constitutional provisions relating to free speech in India. The author further discusses the immunity attached to pre-trial publications under the Contempt of Court Act of 1971, which will be addressed in the study by the researcher. The author also focuses on the ineffectiveness of the legal norms relating to journalistic conduct. The author also 7 raises the issue of media trial having an ability to influence the judges. The author also points out how media trial compromises with the fair trial. This has facilitated the researcher to have a thorough understanding of the subject, so as to make a further study on the issues.

Kauser Hussain and Srishti Singh, "Trial by Media: A Threat to the Administration of Justice"

The authors of this article start by describing the importance of press freedom and the role of media as the "fourth pillar" of democracy in India. On the later part, the authors attempt to analyze the impact of trial by media on judicial proceedings and for this purpose made reference to prominent cases. This study emphasis upon the facts that media should work on factual reporting, authors are not much in favour of curbing the media freedom but were more concerned with making the media accountable. They only focused on the idea to make media more careful and cautious at its conduct and should work for the welfare of the society. The researcher will take account of this issue and also try to justify the importance of imposing reasonable restrictions when a situation demand`s.

3. OBJECTIVES OF THE RESEARCH

The following are the objectives of the research undertaken:

a. To critically evaluate the impact of media trial on Judiciary.
b. To study the impact of media trial on the society.
c. To analyze the role of media houses in conducting media trial.
d. To study the impact of media trial on various stake holders like investigating agencies, prosecution, defence, victim, accused and their families.
e. To analyze the interrelated aspects of freedom of Media and Fundamental Right of freedom of speech and expression given under Constitution of India.

4. RESEARCH METHODOLOGY

The research methodology of the current study is mostly based on empirical as well as doctrinal to find out the fact-situations and grounds related to the topic of the research. It included various secondary sources such as books, journals, e-material, newspapers, law commission reports etc. A partial empirical study through questionnaire, interviews, and online modes obtaining the required information, opinions and facts collected thereby from various sections of people like judges, lawyers, litigants, students, journalists, police, academician and general public. An honest effort has been made in collecting, analyzing data for concluding the result of the present study. The Researcher has always referred to various statutory laws and Law Commission Report of India, etc. to meet the necessary information of secondary data for the thesis.

4.1 RESEARCH DESIGN

There are different research techniques that can be used to conduct research studies. All these methods have theory of knowledge and the foundations of philosophy. The research design of the present study is descriptive in nature. With the help of a questionnaire survey method is applied to identify the views of various stakeholders, the judges, advocates, media consumer's journalists, investigative agencies on media trial. As the qualitative and quantitative approaches are often not sufficient to provide the detailed analysis of a phenomenon, cross sectional research design has also been used to collect the data. A quasi-experimental design has also been employed to determine whether media trials have an impact on Indian court verdicts and, if so, how are the effects revealed? Therefore the design of mixed-methods is appropriate because it suits a detailed review of the effect of media trials on court determinations.

The sources which will be relied upon for this study will be primary as well as secondary sources. Research methodology is an organized and systematic way to solve a problem. It is a science of studying how research is to be carried out. Essentially the procedures by which researchers go about their work of describing explaining and predicting phenomenon are called research methodology. It is also defined as the study of methods by which knowledge is expend. Its aim is to give the work plan of research. Curiosity is the basic motivation for research. All research is a quest for ordered knowledge it may be study of natural phenomena or the rational study of the relations between the concepts in which these phenomena are expressed. The knowledge is to be gathered organized and systemized trusted and is to be

validated with the help of observations. Observation is an intelligent way to making use of our sensory apparatus it provides an insight to know and understand facts relations and events. If the observation is precise, the results will be more reliable.

The sources which will be relied upon for this study will be primary as well as secondary sources. Research methodology is an organized and systematic way to solve a problem. It is a science of studying how research is to be carried out. Essentially the procedures by which researchers go about their work of describing explaining and predicting phenomenon are called research methodology. It is also defined as the study of methods by which knowledge is expend. Its aim is to give the work plan of research. Curiosity is the basic motivation for research. All research is a quest for ordered knowledge it may be study of natural phenomena or the rational study of the relations between the concepts in which these phenomena are expressed. The knowledge is to be gathered organized and systemized trusted and is to be validated with the help of observations. Observation is an intelligent way to making use of our sensory apparatus it provides an insight to know and understand facts relations and events. If the observation is precise, the results will be more reliable.

4.2 SAMPLE DESIGN

The specific definition of the universe for a particular study is set by the research questionnaire, which specifies who or what is of interest. In this research my universe involves twenty judges, Fifty lawyers, eighty journalists' hundreds litigants' two hundreds general public, fifty investigative agencies total 500 sample as the universe for the study. All these categories are considered as sampling element for the study. There are eleven Districts and Session Court Divisions, Twelve Administrative Districts and thirteen Police Districts in the state of Himachal Pradesh. The data shall be collected from these sources through interviews, questionnaires and the other whatever methods with the help of intense observation technique.

Judges: One respondent from each eleven judicial districts to be taken (District courts and session courts) 9 Respondents will either be retired or sitting Judges of Hon'ble High Court and Supreme Court of India.

Lawyers: One senior lawyer from each eleven judicial districts courts and rest of the lawyers from Shimla. At least 15 senior advocates will be from their specialization categories such as criminal, revenue services, constitutional etc. Rest will be advocates of mixed categories

including senior, junior, both males and females. It will make total 50 lawyers sample, district attorneys may also be covered among the sample of 50 advocates.

Journalists: At least three journalists will be taken from each 12 Districts of Himachal Pradesh. All other journalists will be taken Shimla from each category of media such as beginner struggling print, electronic and social media. The other from media organizations, like AIR, F.M and DD Kendra Shimla etc. including Bureau Chiefs of Different newspapers will also be covered.

Litigants: Ten litigants from each district of Himachal Pradesh will be taken rest of these will be covered from Shimla district courts, session courts and Hon'ble high courts.

General public: Five persons (media consumers) will be covered from each twelve districts of Himachal Pradesh whereas the rest of the sample of one forty will be taken from Shimla city which represents the whole of Himachal Pradesh.

Members of general public also falls within the definition of media consumers, therefore apart from litigants the researchers has interacted with the people who watch news channels but never faced the court proceedings out of these some are also been covered.

Investigative agencies: The superintendent of police and Deputy Superintendent of police and SHO of each 13 police districts of Himachal Pradesh will be covered and rest of the sample of eleven persons will be taken from Shimla city. In all above categories retired people can also be taken.

Sr.	Respondents	Number of People
1.	Judges	20
2.	Lawyers	50
3.	Journalists	80
4.	Litigants	100
5.	General Public	200
6.	Investigative agencies	50

4.3 DATA COLLECTION TOOLS

Questionnaires, interviews, surveys, case studies, telephonic interviews etc. tools will be used in the present study to collect the data with intense observation.

Data Collection both primary and secondary data are collected for the purpose of study. The primary data are collected through structured questionnaires of three types from the population on occupational basis of three groups and their responses of these three groups are collected through online and off line. These three groups include law teachers, media persons and persons working in cyber security division of various Multinational Companies. A total of 120 samples of data divided into three groups i.e.; 40 samples from each group are collected and statistically analyzed and interpreted. The questionnaires are given at the Annexure Section of this book. The secondary data are collected from various legislations, precedents, books, journals, newspapers both online and offline.

5. LIMITATIONS OF STUDY

The researcher has tried hard to sincerely complete the thesis despite facing following limitations like:

1. Due to covid-19 Corona virus the researcher could not personally visit many targeted sample.
2. Some of the answers by the respondent due to other considerations the answers shows little variations in results.
3. It is a challenge for the research scholar to get primary data from categories such as judges, police officers senior journalist and senior lawyers especially more due to the pandemic.

6. CHAPTERISATION

Chapter I: Introduction

Chapter II: Review of Literature

Chapter III: Evolution and Development of Media.

Chapter IV: Freedom of Media and Fundamental Right of freedom of speech and Expression

Chapter V: Media Trial Vis-a Vis Judiciary and Media Consumers

Chapter VI: Data Analysis and Interpretation

Chapter VII: Conclusion and Suggestions

7. SIGNIFICANCE OF THE STUDY

Academic - The result of the study would help in carrying on further research by the future scholars or academicians in understanding the circumstances and psychology of various stake holders i.e. of judiciary media houses, journalists, society, investigating agencies etc. Study would help the academicians to recommend to bring out the changes in prevailing laws and hold seminars with different stake holders to create awareness about news and media trial. The ministry of information and broadcasting must initiate to frame laws to check somehow the menace of fake news paid news and mushrooming of non-serious media houses. This study is based on detailed survey from different section of the media consumers, hence it would help the academicians to better understand the concept of media trial.

Professional -The professionals would also agree that the first reactions of media may not be appropriate and truthful and may be marred by preconceived notions and hidden vested interests. Study would help to understand the nature of media which is responsible for systematic investigation to establish facts. The professionals are dependent upon information and same is divulged by the media. However the sensational presentation of a news takes away the truth, thereby spreading misleading facts causing harm to professionals. This study would enable them to differentiate between fact and sensation. This would also help the journalists to realize their true duty towards the society as the study would also reveal the motives and the bad face of media trial. The media organizations will be aware of the pros and cons of the media trial before the case trial completes in the court. The study will also strengthen the core of ethics among the professionals. The result of this study would help in many ways all the connected segments of the society.

Social - The society would also understand that the truth is not always what is seen by the eyes and heard by the ears. The picture shown or the story woven by the media may be half baked which can have negative impact on the way in which we see, think and perceive things. It will bring awareness society as the final verdict is always in the hands of law and order.

Study will be utilizing as a foundation and as a support for a new insight to all kinds of people and will helpful to journalists how they are sometime more concerned about TRP and paid news.

The study is based on the personal experience of the person facing the media trial. The study will be useful and intends to inform and educate not only to those who aspire to pursue carrier in the media but also those who are working as journalists, studying mass communication. Since the Media is playing an increasingly important role in influencing not only the way people dress and speak but also the way they think and act. The study intends to inform that judges are also human beings however they occupy a special position in any democratic society as their roles and decisions directly and indirectly impact large number of people in the nation.

8. REFERENCES

- **A.R, Lakshamanan. Basu, Dr. Durga Das. *Shorter Constitution of India*, Haryana, India, Lexis Nexis, 2016Rp**
- **Aggarwal, Vir Bala. *Media and Society Challenges and Opportunities,* Concept Publications, New Delhi, 2002.**
- **Ahuja, B.N. *History of Press, Press Laws and Communication*, Surjeet Publication, Delhi.**

  Basu, Dr. Durga Das. Shorter Constitution of India, Wadhwa, Nagpur, Lexis Nexis, 2009, 278.
- **Bedi, Shefali. *Responsibility of Media in a Democracy*, Shodh Samiksha aur Mulyankan, International Research Journal, 2009.**
- **Bhattacharjee, Arun. *the Indian Press Profession to Industry*, Vikas Publications, New Delhi, 1972.**
- **Chabbra, G.S. *Advanced Study in the Constitutional History of India*, Prakas Brothers, New Delhi, 1973.**
- **Chopra, D.S. *Media Law*. Volume -1 Second Edition, 2014**
- **D.D, Basu. *Law of Press in India*, LexisNexis, buttersworths, New Delhi, 1980.**
- **Dash, Ajay. *Sting Operations and Law*, Discovery Publishing House, New Delhi, 2007.**
- ***Dr. Sumayya. Media trial and Indian legal system,* written by international Journal of Law. 2019.**

- **Goradia, Divan Madhavi.** ***Facets of Media Law*****, Eastern Book Company, Lucknow, 2010.**
- **Hon'ble Mr. Justice G. S. Singhvi**. ***TRIAL BY MEDIA: A NEED TO REGULATE FREEDOM OF PRESS***, **Published in Articles Section of www.manupatra.**com
- **Jain, Punkaj & Rai,Pandey Sangeet.** ***Copyright and Trademark Laws Relating To Computers*****, Eastern Book, Lucknow.**
- **Joshi, Uma.** ***Textbook of Mass Communication and Media*****, Anmol Publications, New Delhi, 1999.**
- **Juhi, P. Pathak.** ***Introduction to Media Laws and Ethics*****, Shipra Publications New Delhi 2017**
- **Kathakali, Nandi.** ***Investigative Role of Media: Responsibility to the Society*****, Global Media Journal 2011.**
- **Kathakali, Nandi.** ***Investigative Role of Media*****:** ***Responsibility to the Society*****, Global Media Journal, 2011.**
- **Krishnan, Dr. S.** ***Trial by Media: Concept and Phenomenon*****. International journal of advanced research March (2018)**
- **Kumar, Anil.** ***Media Trial in India,*** **in Social Science Research Network 2014**
- **Kumari, Shipra.** ***Indian Law and Press,*** **Comega Publications, New Delhi.**
- **Lalit, Bhasin.** ***Media World and Law*****, Universal Law Publishing Co. Pvt. Ltd New Delhi, 2010.**
- **Mahajan, V.D.** ***Modern Indian History*****, S. Chand Group, New Delhi, 1993.**
- **Markwell, B.** ***Media Ownership and Democracy in the Digital Information Age.***
- **Natarajan, S.** ***A. History of the Press in India*****, Asian Publisher House, New Delhi, 1962.**
- **Niyati.** ***Sensationalism in Media: How it Leads to Losing Credibility of Indian Media*** **Editorial, (2018)**
- **Priyanshu, Prerna Priyanshu.** ***Media Trial: Freedom of Speech v. Fair Trial*****, 3 IJLLJS 2842015**
- **R**,**Jan Hakemulder Fay, de Jonge, A. C. , P. Singh.** ***Media Ethics and Laws*****, Anmol Publications, (1998) - Freedom of the press - 355 pages**
- **Raghavan, Vikram.** ***Communication Law in India: Legal Aspects Of Telecom, Broadcasting And Cable Service,*** **Lexis Nexis Butherworths Wadhwa, Nagpur.**

- **Rai, Prof. Kailash. *The Constitutional Law of India*, Central Law Publications 2015, Pages: 967**
- **Raman, Anuradha, *The Story's Not Over,* Outlook, 2010.**
- **S, Fali Nariman. *Are Impediments to Free Expression in the Interest of Justice*, CIJL Yearbook, Vol. 4, 1995.**
- **S.K, Swam. *Present Scenario in Journalism* Cyber Tech Publication (2014).**
- **Sakai, Mukul. *Media Law and Ethics, Delhi*, Wisdom Press, (2011)**
- **Sastry, Dr. V.V.L.N. *Media Trial and criminal justice in India*, blue Dimand publishing, 2020**
- **Saxena, Ambrish. *Issues of Media Policy Regulation and Ethics*, Kaniska Publication 2012.**
- **Shabnam, Sadalavi, *Media Trial: Freedom of Speech v. fair Trial*, School of Legal Studies, Cochin Edited by Neeraja Gurnani, Article (Academike) (2015)**
- **Shekhar, Mayank. *Administration of Justice*, at Legal Bites, 2016**
- **Singh and Associates, *Trial by Media a Threat to Administration of justice*, Lexology 2012**
- **Singh. J.K, *Modern Journalism,* A.P.H. Publisher, New Delhi, 2009.**
- **Sinha, Parmod K. *Elements of Electronic Media,* Kanishka Publishers, New Delhi 2007.**
- **Soli,Sorabjee. *Law of Press Censorship in India*, N.M. Tripathi, Mumbai, 1976.**
- **Sridhar, Madabhushi. *Law of Expression (An Analytical Study of Laws for Me)*, Asian Law House, Hyderabad, 2007.**
- **Srivastava,Mukul. *Manavadhikar and Media*, Atlantic publishers and distributers 2007**
- **Thakurta, Paranjoy, Guha. *Media Ethics: Truth Fairness and Objectivity* Oxford University Press 2009.**
- **The Arushi Murder case, Nupur Talwar v. Central Bureau of Investigation and Another,**
- **Tiwari, I.P. *Communication Technology and Development,* Publication Division, Ministry of Information & Broadcasting, Government of India.**
- **Tripathi, Devesh. *Trial by Media Prejudicing the Sub-Judice*, Rmlnlu Lucknow**
- **Vidish, Barua. *Press & Media law*, Universal Law Publication, New Delhi.**
- **https://www.lawctopus.com/academike/media.**

- **https://www.lawctopus.com/academike/media.**
- **https://www.lawctopus.com/academike/media**
- **https://www.history.com/news/aaron-burrs-notorious-treason-case.**
- **https://en.m.wikipedia.org/wiki/**
- 200th Law Commission Report, www.lawcommissionofindia.nic.in/reports
- **1962 AIR 605**
- **AIR 1950 SC 124.**
- **AIR 2012 SC 1921.**